



Reference Guide for Citation Practices at the Court of Appeal for Ontario

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This reference guide is for information purposes only.

I. Citing Cases

1. Citation format

Include the case name in italics (italicize the “v.” between the parties’ names), followed by the information indicating where the case can be found.

For example: *Smith v. Smith*, [1952] 2 S.C.R. 312

The citation should identify the jurisdiction and the court that decided the case. If this information is not obvious from the citation, then include the information in parenthesis. For example:

- Correct:**
- Smith v. Jones*, 2001 SCC 28, [2001] 3 S.C.R. 28
 - 1234 Inc. v. 7891 Ltd.* (2013), 62 O.R. (3d) 123 (S.C.)
 - Jones v. Jones*, 1989 CanLII 3389 (AB QB)
- Incorrect:**
- Smith v. Jones*, 2001 SCC 28, [2001] 3 S.C.R. 28 (S.C.C.)
 - 1234 Inc. v. 7891 Ltd.* (2013), 117 O.R. (3d) 550
 - Jones v. Jones*, 1989 CanLII 3389

Do not include abbreviated publisher information for electronic services such as LexisNexis Quicklaw and WestlawNext.

Correct: *Bright v. Shiny*, [2001] O.J. 3512 (Div. Ct.)

Incorrect: *Bright v. Shiny*, [2001] O.J. 3512 (Div. Ct.) (QL)

Do not cite to court summaries or headnotes, which do not form part of the court’s reasons for decision.

2. Pinpointing

Refer whenever possible to the location of the particular passage in the case that is being relied on in the factum. The citation should make it clear whether the reference is to a paragraph number (“at para. 12” or “at paras. 12-14”) or to a

page number (“at p. 3” or “at pp. 133-34”). If the case contains paragraph numbers, cite to the paragraph numbers rather than to the page numbers.

3. Selecting the Source for a Citation

The order for selecting which version of a case to cite is as follows:

(i) Neutral citation

Law v. Order, 2014 ONCA 45

(ii) Official and semi-official reporters

Law v. Order (2014), 110 O.R. (4th) 443 (C.A.)

(iii) Unofficial reporters

Law v. Order (2014), 395 D.L.R. (4th) 358 (Ont. C.A.)

(iv) CanLII

Law v. Order, 2014 CanLII 45444 (ON CA)

(v) Subscription-based electronic databases

Law v. Order, [2014] O.J. No. 4912 (C.A.)

4. Parallel citations

Citations to more than one source for a case are not required. However, it is helpful to provide a parallel citation when the case has a neutral citation (the identifier assigned by the court to a decision), and the case has also been published in a printed reporter series.

For example: *Smith v. Jones*, 2001 SCC 28, [2001] 3 S.C.R. 28

II. Citing Legislation

Legislation should be cited using the following format:

Personal Property Security Act, R.S.O. 1990, c. P.10, s. 5

Personal Property Security Act, O. Reg. 356/03, s. 2(2)(b)

Income Tax Act, R.S.C. 1985 (5th Supp.), c. 1, ss. 47.1 and 48.1

It is not necessary to give the full citation to the following sources:

Canadian Charter of Rights and Freedoms (Note: subsequent references should be to the *Charter*)

Constitution Act, 1982

Constitution Act, 1867

III. Citing Secondary Sources

The following examples illustrate the proper citation styles for secondary sources:

1. Books

Joel Bakan et al., *Canadian Constitutional Law*, 3d ed. (Toronto: Emond Montgomery, 2003).

2. Articles

Tina Lie and Manpreet Dhaliwal, “Should Have, Could Have, Would Have: Lessons Learned from *Canadian National Railway Co. v. McKercher LLP*” (2013) 2 C.L.A.R. 54.

3. Loose-leaf

Donald J.M. Brown, *Civil Appeals*, vol. 1, (loose-leaf updated July 2011), (Toronto: Carswell, 2009), at p. 2-63.

Note: The publisher information and the date of publication appear on the copyright page of the loose-leaf volume. Include in separate brackets the most recent update or release date information if that is indicated on the bottom of the page being cited. There is no need to include the date when the material was consulted.

4. Other

Law Commission of Ontario, *Increasing Access to Family Justice Through Comprehensive Entry Points and Inclusivity* (Toronto: February 2013).

Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 37th Parl., 2nd Sess., No. 53 (18 October 2001), at p. 2819 (Name of Speaker – if any).

IV. Placement of Citations in the Factum

The citation should be provided in the body of the factum immediately after the paragraph containing the reference. Citations should not be provided in footnotes or endnotes.

V. Sample Citations

1. Legislation

Statutes

Income Tax Act, R.S.C. 1985, c. 1 (5th Supp.), s. 18(1)(m)(iv)

2. Case law

Neutral Citation Plus Official Reporter

Housen v. Nikolaisen, 2002 SCC 33, [2002] 2 S.C.R. 235, at para. 18

Neutral Citation Plus Unofficial Reporter

MacKinnon v. National Money Mart Co., 2004 BCCA 473, 50 B.L.R. (3d) 291

No Neutral Citation Assigned

Taylor v. Law Society of Prince Edward Island (1992), 101 Nfld. & P.E.I.R. 216 (P.E.I. S.C. (A.D.))

No Neutral Citation Assigned; Only Electronic Service Available

Sousa v. Akula, 2006 CanLII 25417 (ON SC)

3. Secondary material

Books

Ruth Sullivan, *Sullivan on the Construction of Statutes*, 5th ed. (Markham: Ont.: LexisNexis Canada, 2008).

Journal Articles

Janet Conway, "Civil Resistance and the 'Diversity of Tactics' in the Anti-Globalization Movement: Problems of Violence, Silence, and Solidarity in Activist Politics" (2003) 41 *Osgoode Hall L.J.* 505.

Government Documents

Ontario, Legislative Assembly, *Official Report of Debates (Hansard)*, 37th Parl., 2nd Sess., No. 53 (18 October 2001), at p. 2819 (Name of Speaker – if any).